

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SUNDAYGAR EDWARDS,

Civil File No. 06-4267 (JMR/FLN)

Plaintiff,

v.

REPORT AND RECOMMENDATION

UNITED STATES IMMIGRATION AND
NATURALIZATION SERVICE,

Defendant.

Plaintiff commenced this action on October 20, 2006, by filing a complaint seeking relief under 42 U.S.C. § 1983, and an application seeking leave to proceed in forma pauperis, ("IFP"). (Docket Nos. 1 and 2.) Shortly after the case was opened, the Court examined Plaintiff's pleading, and found it to be deficient in several respects. The Court concluded that Plaintiff should not be allowed to pursue this action unless he filed an amended complaint that clarified (a) the factual basis for his claims, and (b) the specific relief he is seeking.

Therefore, by order dated October 31, 2006, (Docket No. 3), Plaintiff was directed to file an amended complaint within thirty days – i.e., by no later than November 30, 2006. The order expressly advised Plaintiff that if he did not file a new pleading by then, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The deadline for complying with the Court's order of October 31, 2006, has now passed, and Plaintiff has not yet filed an amended complaint. Indeed, Plaintiff has not communicated with the Court at all since he filed his original complaint at the outset of this

case. Therefore, the Court now recommends, in accordance with the prior order, that this action be summarily dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(b). See also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED**;

and

2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: December 13, 2006

s/ Franklin L. Noel

FRANKLIN L. NOEL

United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **January 3, 2007**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.